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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,699	04/26/2006	Haihong Zheng	873.0158.U1(US)	7451
29683 7590 05/14/2009 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			EXAMINER VU, VIET DUY	
			ART UNIT 2454	PAPER NUMBER
			MAIL DATE 05/14/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,699	<b>Applicant(s)</b> ZHENG ET AL.	
	<b>Examiner</b> Viet Vu	<b>Art Unit</b> 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-19, 23, 24 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-19, 23, 24 and 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/08; 12/07; 2/07; 3/05</u> .                                 | 6) <input type="checkbox"/> Other: _____                          |

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**Art Rejections:**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-3, 5, 8, 15 and 27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lipford et al, U.S. pat. No. 6,980,523.

Per claims 1-3, Lipford discloses a method for establishing a flow comprising:

**a)** receiving at a wireless network node a first request message comprising at least one quality of service parameter for the new flow (see col 5, lines 17-24);

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- b)** granting a plurality of quality of service parameters;
- c)** sending from the wireless network node to a mobile station a second reply message, the second reply message comprising one or more granted quality parameters (see col 5, lines 25-34).

Per claim 5, Lipford teaches setting QoS based upon received subscriber profile (see col 6, lines 18-21).

Per claims 8, Lipford teaches performing negotiation between mobile station and the wireless node when the original QoS request cannot be fulfilled (see col 6, lines 24-26).

Per claims 15 and 27, Lipford also teaches sending the request to a packet data switching node to set up a path for IP packets between mobile station and the data switching node (see col 6, lines 27-39).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 10-13, 23, 29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipford et al, U.S. pat. No. 6,980,523.

Per claims 10-13, Lipford does not explicitly teach enforcing the QoS policy for uplink and downlink flows.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize the enforcement of QoS policy in Lipford because it would have ensured sufficient resources that has been reversed for the mobile station on both links (see col 5, lines 17-24 and 44-68).

Per claims 23, 29 and 31-32, Lipford does not show detailed structure of the base station.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that a conventional base station would have included at least an antenna, transceiver and controller.

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6. Claims 4, 6, 7, 9, 16-19, 24, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipford et al and further in view of Jouppi et al, U.S. pat. No. 2003/0221016.

Lipford does not explicitly teach using flow identifier and packet filters. The use flow identifier and packet filter in establishing communication session between mobile device and a network server is well known in the art as disclosed by Jouppi (see par. 3 and 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize flow identifier and packet filter in Lipford because it would have enabled negotiating and establishing communication path between mobile device and a network server.

Per claim 17, it is further noted that the use of AAA node in mobile communication is well known in the art.

#### **Conclusion:**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

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(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Viet Vu/  
Primary Examiner, Art Unit 2454  
5/11/09